

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Advisory Commission on Pesticides

Pesticide Use Restrictions—Azinphos-Methyl (LAC 7:XXIII.13138)

In accordance with the Administrative Procedure Act, R.S. 49:953(B) and R.S. 3:3203(A), the commissioner of Agriculture and Forestry is exercising the emergency provisions of the Administrative Procedure Act in adopting the following rules for the implementation of regulations governing the use of the pesticide, azinphos-methyl.

The department has determined that these emergency rules are necessary in order to implement a monitoring program and registration and permitting requirements during the current crop year. Information will be gathered to determine whether the effectiveness of this chemical outweighs any potential risk to the public or the environment. The rule becomes effective upon signature and will remain in effect 120 days.

Title 7

AGRICULTURE AND ANIMALS

Part XXIII. Pesticides

Chapter 131. Advisory Commission on Pesticides

Subchapter I. Application of Pesticides

§13138. Application of Azinphos-Methyl

A. Registration Requirements

1. The commissioner hereby declares that prior to making any aerial application of azinphos-methyl to sugarcane, the aerial owner/operator must first register such intent by notifying the Division of Pesticides and Environmental Programs ("DPEP") in writing.

2. The commissioner hereby declares that prior to selling azinphos-methyl to be applied on sugarcane, the dealer must first register such intent by notifying the DPEP in writing.

3. The commissioner hereby declares that prior to making recommendation for application of azinphos-methyl to sugarcane, the agricultural consultant must first register such intent by notifying the DPEP in writing.

B. Grower Liability. Growers of sugarcane shall not force or coerce applicators to apply azinphos-methyl to their crops when the applicators, conforming to the Louisiana pesticide laws and rules and regulations or to the pesticide label, deem it unsafe to make such applications. Growers found to be in violation of this section shall forfeit their right to use azinphos-methyl on their crops, subject to appeal to the Advisory Commission on Pesticides.

C. Azinphos-methyl Application Restriction

1. Application of Azinphos-methyl on sugarcane is limited to one application per season.

2. Do not apply by ground within 25 feet, or by air within 150 feet of lakes; reservoirs; rivers; permanent streams, marshes or natural ponds; estuaries and commercial fish farm ponds.

D. Procedures for Permitting Applications of Azinphos-methyl

1. Prior to any application or recommendation for application of Azinphos-methyl, approval shall be obtained in writing from the Louisiana Department of Agriculture and Forestry ("LDAF"). Such approval is good for five days from the date issued. Approval may be obtained by certified agricultural consultants from the DPEP. Where farmers do not use agricultural consultants, approval must be obtained by the private applicator or aerial applicators employed by such farmers from DPEP.

2. The determination as to whether a permit for application is to be given shall be based on criteria including but not limited to:

- a. weather patterns and predictions;
- b. soil moisture;
- c. propensity for run-off;
- d. drainage patterns;
- e. quantity of acreage to be treated;
- f. extent and presence of vegetation in the buffer zone between application site and water body;
- g. water monitoring results;
- h. targeted pest must exceed the following prescribed thresholds: Yellow sugarcane aphid, 20-25 live aphids per leaf or sugarcane borer—a three-fold threshold (15 percent) i.e., one or more live borers in 15 different stalks per 100 stalks;
- i. Azinphos-methyl total acreage target shall not exceed 80,000 acres; and
- j. any other relevant data.

E. Monitoring of Azinphos-methyl. Agricultural consultants registered to recommend azinphos-methyl

on sugarcane shall report daily to the DPEP, on forms prescribed by the commissioner, all recommendations for applications of azinphos-methyl to sugarcane.

F. Determination of Appropriate Action. Upon determination by the commissioner that a threat or reasonable expectation of a threat to human health or to the environment exists, he may consider:

1. stop orders for use, sales, or application;
2. label changes;
3. remedial or protective orders;
4. any other relevant remedies.

Bob Odom
Commissioner

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